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Implementation of the six mandated areas of the Permanent Forum with reference to the United Nations Declaration on the Rights of Indigenous Peoples

Compilation of information from national human rights institutions

Note by the Secretariat

Summary

The present report is a compilation of the responses received from national human rights institutions to a questionnaire prepared by the secretariat of the Permanent Forum on Indigenous Issues on actions taken or planned in relation to indigenous peoples in order to identify and share good practices. The questionnaire and the complete responses from the institutions are available on the website of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/17-2.html).

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I. Introduction

1. As part of its ongoing engagement with national human rights institutions, the Permanent Forum on Indigenous Peoples sends an annual questionnaire to national human rights institutions requesting information on their work with indigenous peoples. [1] At its sixteenth session, the Permanent Forum acknowledged the contributions of national human rights institutions in the promotion and protection of human rights, including the rights of indigenous peoples, and welcomed their participation in future sessions of the Forum.

2. During the reporting period, the secretariat of the Permanent Forum received written responses to its questionnaire from the national human rights institutions of Denmark, Finland, Malaysia, Namibia, New Zealand and the Philippines on actions taken or planned in relation to indigenous peoples. Other institutions advised that they would submit their responses at a later stage. All responses received will be available on the website of the seventeenth session of the Permanent Forum (https://www.un.org/development/desa/indigenouspeoples/unpfii-sessions-2/17-2.html).

3. The questionnaire contained questions on four areas: (a) recommendations of the Permanent Forum related to the situation of human rights defenders; (b) indigenous peoples' collective rights to lands, territories and resources; (c) the promotion and protection of indigenous peoples' rights; and (d) follow-up to the World Conference on Indigenous Peoples.

II. Responses of national human rights institutions

A. Recommendations of the Permanent Forum: indigenous human rights defenders

4. In line with the focus on indigenous human rights defenders at the sixteenth session of the Permanent Forum in 2017, national human rights institutions were asked to provide information on results achieved and lessons learned through the efforts of human rights defenders.

5. The Danish Institute for Human Rights is the national human rights institution of Denmark and Greenland. In its role as the national human rights institution for Greenland, the Institute aims to secure, promote and enhance the human rights of the Inuit population of Greenland. The Institute supports the appointment by the Government of Denmark of the National Criminal Defence Counsel for Greenland. The Counsel will have an advisory function for the criminal defence counsellors situated in local communities around Greenland and will also have the main responsibility for both the basic and continuing education of the Greenlandic criminal defence counsellors. The Institute views the appointment of the Counsel as a major step in enhancing the principle of equality of arms in the Greenlandic criminal law

[1] The questionnaire was sent to 38 national human rights institutions accredited by the International Coordinating Committee on National Human Rights Institutions: 10 in Asia and the Pacific; 8 in Africa; 14 in Latin America and the Caribbean; 1 in North America and 5 in Europe. Participating institutions were chosen based on the following criteria: (a) previous participation in sessions of the Permanent Forum; (b) responses to the 2017 questionnaire; and (c) institutions represent countries with indigenous peoples, including self-identified indigenous peoples. More detailed information on national human rights institutions can be obtained from the website of the Global Alliance of National Human Rights Institutions (http://nhri.ohchr.org/EN/Pages/default.aspx).

system, given to the current lack of criminal defence counsellors, as well as in securing the right of defendants to legal assistance in a language they understand. The National Criminal Defence Counsel is also a member of the Human Rights Council of Greenland.

6. In its work with national human rights institutions in Africa, Asia and the Pacific and Latin America and the Caribbean, under the Indigenous Navigator framework,[2] the Danish Institute for Human Rights has focused its efforts on the promotion of the rights of indigenous human rights defenders. The Indigenous Navigator monitoring tools include questions about indigenous human rights defenders. The indicators used by the Danish Institute are aligned with Sustainable Development Goal 16, indicator 16.10.1, on killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates. The data collected under the Indigenous Navigator framework will feed into national and global data collection on this indicator. The Danish Institute will continue its cooperation with other national human rights institutions on operationalizing data generation.

7. The Human Rights Centre of Finland conducts continuous follow-up on Sami-related issues and is involved in ongoing cooperation with the Sami Parliament. The advancement and promotion of the rights of the Sami people, their culture and their languages is an important part of the work carried out by the Human Rights Centre to counter discrimination, inequality and negative stereotypes. The Sami, as a group of people in a disadvantaged situation, is included within the human rights monitoring process. As a result of the work of the Sami Parliament, the Human Rights Centre and civil society actors, there have been a number of recommendations from the United Nations system, as well as by the Council of Europe, to improve the situation of the Sami. Furthermore, awareness and knowledge of indigenous issues has been expanded, to some extent, and efforts continue to increase attention and information in order to dispel and counteract existing stereotypes and discriminatory attitudes. In addition, there has been an improved understanding of the processes and the opportunities for influence contained in the various monitoring systems. Further training for members of civil society on how to effectively use the tools and options available within the various processes is needed.

8. In Namibia, the Ombudsman maintains a constructive relationship with non-governmental and civil society organizations and actively participates in their activities in order to enhance the rights of indigenous peoples. The main organizations active in promoting and protecting the rights of indigenous peoples include the Legal Assistance Centre, the San Council, the Hizetjitwa Indigenous Peoples' Organization, the Women's Leadership Centre and the //Ana-Jeh San Trust, as well as other smaller regional-based organizations.

9. In the Philippines, laws, including the Indigenous Peoples Rights Act of 1997, expressly recognize indigenous political structures, promote the formation of indigenous peoples' organizations and require the mandatory installation of indigenous peoples' representatives in policymaking bodies and other local legislative councils of the Philippine Government. Despite the existence of these structures, indigenous human rights defenders suffer harassment and their basic human rights to life, liberty, property and security are oftentimes violated when they advocate and demand the rights of the indigenous peoples to ancestral domains, self-governance,

[2] See http://indigenousnavigator.org/index.php/en/.

social justice and cultural integrity. The Commission on Human Rights of the Philippines has a designated commissioner on human rights defenders.

10. The Commission is formalizing the establishment of an indigenous peoples' human rights observatory as an independent source of data to evaluate the impact of State programmes and projects on the rights of indigenous peoples. The establishment of such an observatory involved a national inquiry into the human rights situation of the indigenous peoples of the Philippines, which was launched in May 2017. During 2017, several public hearings were held on the subject in Puerto Princesa, Palawan, Tagaytay, Cavite, Davao City and Tagoloan, Misamis Oriental. During the course of the hearings it was found that there are threats to the identity of the indigenous peoples in the Philippines. The observatory will specialize in the documentation, application and practice of customary laws in all efforts to provide preventive and remedial measures with regard to the rights of indigenous peoples.

B. Indigenous peoples' collective rights to lands, territories and resources

11. One of the most important tasks of the Danish Institute of Human Rights is to observe and comment on proposed Greenlandic legislation to ensure that it is in accordance with human rights, including the rights of the indigenous peoples. In this context, the Danish Institute has recommended that the Government of Greenland consult all affected citizens and communities before any concession under the national act on natural resources and the consolidated act on concession of tourist activity in certain rural areas is authorized. Internationally, the Institute promotes the use of the Indigenous Navigator monitoring tools to generate data on both the structural recognition of indigenous peoples' collective rights to lands, territories and resources in national legislation and the experience of indigenous communities with regard to the implementation or the violation of those rights.

12. The Finnish Human Rights Centre reports that the land rights of the Sami remains an unresolved issue. Several legislative changes concerning the Sami are under preparation at multiple levels of government, and discussions with the Sami and various civil society and human rights organizations are ongoing. The Government has requested an international comparative research study to gather knowledge related, in particular, to the land and participatory rights and definition of the Sami population. The Director of the Centre participated in the work of the steering group for the research study and in a seminar on the issue with participating experts. The report produced by the study was published in January 2017.[3] The report provides new information concerning recent developments in the field of indigenous peoples' rights in international law, including the evolution of legal issues related to indigenous peoples in other countries. It also takes a critical view of outstanding issues and tries to encourage the Government to take bold steps to organize land rights issues related to indigenous peoples, among other matters. In March 2017, the Centre held a discussion on the above-mentioned report within its pluralistic cooperative body, the Human Rights Delegation. The Centre has selected the rights of the Sami as one of the priority topics for its work in 2018.

13. The Human Rights Commission of Malaysia reported the receipt of numerous complaints from indigenous peoples regarding encroachment onto their customary

[3] See http://tietokayttoon.fi/documents/10616/3866814/4_Saamelaisten+oikeuksien+toteutuminen+kansainv%25C3%25A4linen+oikeusvertaileva+tutkimus/e765f819-d90c-4318-9ff0-cf4375e00688?version=1.0.

lands, including one complaint from the indigenous peoples in the State of Kelantan regarding encroachment onto their native customary land, which is a forest reserve, by logging companies. The logging companies had been issued licenses to cut down trees by the State government, which the indigenous peoples opposed by setting up blockades near the forest reserve. The Forestry Department of the State dismantled those blockades and arrested around 41 protesters, who were later released.

14. Representatives of the Human Rights Commission visited the indigenous peoples' area in Gua Musang, Kelantan, twice in 2017 to assess the situation, and met with members of the State government and relevant State government agencies to seek a solution. The representatives of the Commission pointed out that while logging activities generate revenue for the State government, those activities also infringe on the rights of the indigenous peoples. They recommended that the government address the issue in an urgent manner in order to stem the marginalization of the indigenous population. The State government has indicated that it will seek possible solutions to the issues facing the indigenous peoples and that the Commission may also wish to liaise directly with the relevant State government agencies. In this regard, the Commission has been in contact with State Forestry Department, the State Department of Orang Asli Development and the State Land and District Office regarding the complaints received from the indigenous peoples.

15. Article 16 of the Constitution of Namibia provides that all persons shall have the right to own and dispose of movable and immovable property, individually or in association with others. Indigenous peoples do not enjoy this right, however, as under article 100 of the Constitution, all communal land, water and natural resources belong to the State if they are not otherwise lawfully owned. Article 17(1) of the Communal Land Reform Act (No. 5 of 2002) strengthens the constitutional provision by providing that all communal land areas are vested in the State, in trust, for the benefit of the traditional communities in those areas. That provision, which vests communal lands to the State, effectively means that indigenous communities, unlike individuals who have private title, do not have security of tenure for their land and in fact have no legal title to land. Furthermore, the 1991 National Conference on Land Reform and the Land Question resolved that there will be no claim to ancestral land by any person in Namibia.

16. The Ombudsman of Namibia initiated the development of a national human rights action plan, which was adopted by the Cabinet and launched in December 2014.[4] The action plan contains seven focus areas; the right to land is addressed in focus area 5. The Ombudsman recommended the inclusion of a discussion point on ancestral lands on the agenda of a proposed land conference in 2018. Focus Area 7 of the action plan deals with the right of non-discrimination or equality, including the development of a white paper on indigenous peoples' rights, including 11 objectives, as a key intervention. In addition, in September 2017, the office of the Vice-President, and Minister of Veterans Affairs and Marginalized Communities, held consultations on the draft white paper with indigenous communities in five regions of the country. Staff of the Ombudsman's office participated in the workshops. The Ombudsman also conducted a national inquiry into racism, racial discrimination, discrimination in general and tribalism, which culminated in a report that was tabled in the National Assembly in November 2017. Discrimination related to land resettlement and discrimination against indigenous peoples in general were discussed in the report.

[4] See the National Human Rights Action Plan 2015–2019 (https://www.ombudsman.org.na/sdm_downloads/national-human-rights-action-plan-republic-of-namibia-2015-2019/).

17. The Human Rights Commission of Malaysia has been engaged in work relating to indigenous peoples' collective rights to lands, territories and resources since its establishment. The Commission has received numerous complaints from indigenous peoples relating to customary rights to land, many of which are unresolved. These complaints were related to allegations of encroachment or dispossession of land; land included in forest or park reserves; and overlapping claims and slow processing of requests for the issuance of native titles or for community reserves.

18. In 2010, the Commission conducted its first national inquiry into land rights issues faced by indigenous peoples in Malaysia. The scope of the inquiry focused on the indigenous peoples of peninsular Malaysia and the natives in the States of Sabah and Sarawak. The process was completed in 2012 and the report on its findings was published in 2013. The inquiry recognized indigenous peoples' rights to lands, territories and resources, and this recognition is reflected in its recommendations to the Government. Also in 2013, the Malaysian Government established a national task force to study the report issued subsequent to the national inquiry. The task force completed its study in 2014 and developed its own report, in which it endorsed most of the recommendations contained in national inquiry report.

19. In 2015, the report of the task force was submitted to the Government of Malaysia for its consideration. As an outcome, the Cabinet approved the formation of a Cabinet-level committee for the land rights of indigenous peoples, headed by the Deputy Prime Minister of Malaysia. In 2017, the Human Rights Commission continued to follow up with the Malaysian Government on the implementation of the recommendations contained in the report of the task force. Despite clear evidence that the situation of the indigenous peoples constitutes a serious derogation of Malaysia's obligations to respect, protect and fulfil their rights, the Malaysian Government has done little to meaningfully address their situation, and the indigenous peoples continue to lose more land, and with it the enjoyment of related rights. In this regard, it should also be stressed that not all States in Malaysia recognize the right of indigenous peoples to native customary lands. As of November 2017, the Commission had received 34 complaints relating to rights to native customary land. In view of this, the Commission called upon the Government to issue a moratorium or temporary prohibition order on all development that involves indigenous peoples' lands, pending the implementation of the recommendations in the report of the task force.

20. The New Zealand Human Rights Commission has engaged with parties in issues involving: the Waitangi Tribunal; treaty settlements; the Save Our Unique Landscape campaign, led by indigenous peoples, against the land development; and Iwi organizations involved in mining activities and Maori water rights. The Commission raises these issues in its advocacy work, including in its reporting to United Nations committees. The Commission also addresses land and resource issues in its activities related to the United Nations Declaration on the Rights of Indigenous Peoples. In 2017 the Commission held a public forum on indigenous rights and the environment, canvassing opinions on issues such as resource management processes, climate change, health impacts, advocacy for indigenous rights and discussion of land as a source of *rangatiratanga* (self-determination).

21. Indigenous peoples in the Philippines have an intimate connection with their ancestral domains, which are regarded as the sacred source of their lives. Only indigenous peoples are legally entitled to own ancestral domains, which are areas under their private communal ownership and have never been part of public lands and are therefore exempt from the coverage of the regalian doctrine, under which all lands of the public domain belong to the State. As of March 2016, the National Commission

on Indigenous Peoples had issued 206 certificates of ancestral domain titles, which represent 5,110,393.22 hectares and 1,108,223 indigenous peoples (about 7.92 per cent of the total estimated population). Complaints about encroachment arise when non-indigenous peoples pursue tenurial claims over lands that are also deemed covered within ancestral domains. Overlapping tenurial claims are brought about by several laws on modes of acquiring ownership, use of natural resources, mineral extraction, land classifications and concessions that are separately implemented by different State agencies.

22. While the law recognizes indigenous peoples' rights of ownership over ancestral domains and all resources found therein, such rights are limited by, or otherwise subjected to, conditions provided in other national laws and regulations on the environment. For example, indigenous peoples cannot cut trees without first obtaining a permit, nor can they engage in small-scale mining in ancestral lands that are not declared by the State as "people's small-scale mining areas". The Wildlife Resources Conservation and Protection Act allows indigenous peoples to collect wildlife for traditional use but not primarily for trade. While killing and destroying wildlife is prohibited in general, it may be allowed when done as part of religious rituals. The Indigenous Peoples Rights Act of 1997 and environmental laws are consistent in using the term "priority rights" to describe the nature of rights that indigenous peoples have over their right to use natural resources in their ancestral domains. The law does not treat such rights as exclusive for indigenous peoples.

C. Promoting and protecting indigenous peoples' rights

23. The Danish Institute of Human Rights monitors proposed Greenlandic legislation and its compliance with human rights and therefore indigenous rights. The Indigenous Navigator monitoring tools include all essential aspects of the United Nations Declaration. In 2017, the Institute transmitted the monitoring tools to the national human rights institutions of the following countries: Chile, Colombia, Ecuador, Peru and Venezuela (Bolivarian Republic of) in Latin America and the Caribbean; Kenya, Namibia, South Africa, Uganda and the United Republic of Tanzania in Africa; and Bangladesh, Indonesia, Malaysia, Nepal, the Philippines and Thailand in Asia and the Pacific. In workshops the Institute has focused on both the application of the tools and generation of data on the implementation of the United Nations Declaration and the need to feed such data into national policy and programming discussions.

24. The Greenlandic Government has recently proposed changes to the legal foundation of the Human Rights Council of Greenland. The Council, which was established in 2013, is composed of representatives from several civil society organizations and independent institutions in Greenland, including representatives from academia, the local association of attorneys-at-law and three representatives from the Government, municipalities and the parliamentary ombudsman. The Danish Institute of Human Rights will follow the proposed changes to the Human Rights Council closely and will continue to work with the Council.

25. The Finnish Human Rights Centre has been actively involved in the promotion of rights of the Sami peoples both nationally and internationally. The rights of the Sami are included in the report and recommendations prepared by the Centre for the universal periodic review process of the Human Rights Council, and their rights are also included in the report and recommendations prepared by the Centre for submission to the Committee on the Elimination of Racial Discrimination. The Centre

has also addressed the linguistic rights of the Sami people in the context of its report regarding the Council of Europe Charter for Regional and Minority Languages, as well as in a statement to the Ministry of Justice on the Nordic Sami Convention, its importance and its problem areas, including insufficient use of free prior and informed consent in the negotiation process. The Centre continues to make submissions on Sami-related issues, when relevant, and includes the rights of the Sami peoples in its national and international monitoring and reporting. In 2018, as part of its general human rights education series, the Centre plans a specific theme lecture and corresponding videos on the rights of the Sami.

26. The Human Rights Commission of Malaysia conducts regular workshops and talks for indigenous communities to raise their awareness of human rights, including visits to schools for indigenous children to monitor the quality of education and of school facilities. In the ongoing development over the administration of issues related to indigenous peoples, the Department of Orang Asli Development, the main government agency responsible for indigenous peoples' affairs, has identified the following seven strategic areas in its 2016–2020 strategic plan:

(a) To improve on the administration of indigenous peoples' land;

(b) To provide infrastructure facilities in indigenous peoples' settlements;

(c) To develop human capital and increase the capacity of indigenous youth;

(d) To increase indigenous peoples' income through sustainable economic activities;

(e) To preserve and promote the arts, culture and heritage of indigenous peoples;

(f) To strengthen the social safety net in order to assist the indigenous peoples in the bottom 40 per cent of the household income group;

(g) To enhance service delivery system through organizational development.

27. In 2017, the Ombudsman of Namibia held community meetings with indigenous people in 10 San villages to raise awareness of their rights and the role and functions of the office of the Ombudsman. Public hearings were held on racism and racial discrimination in regions where indigenous people are living in order to provide individuals with the opportunity to raise their concerns. One of the concerns pursued by the Ombudsman with the Ministry of Home Affairs and Immigration was the difficulty indigenous peoples have in obtaining birth certificates and identity documents. In this regard, the office of the Ombudsman developed, printed and disseminated the "Guide to Indigenous Peoples' Rights in Namibia".

28. In New Zealand, in line with its mandate, under the national Human Rights Act of 1993, to "promote, through research, education and discussion, the human rights dimensions of the Treaty of Waitangi", the Human Rights Commission has a work programme entitled "*Te Mana i Waitangi*" (Human Rights and the Treaty of Waitangi). The current focus of the programme is the development of online education material on the Waitangi Treaty and human rights. In 2017, the Commission released the first of its online human rights education modules, which included an introduction to the Treaty.

29. The Commission's 2017 submission to the Committee on Elimination of Racial Discrimination highlighted the urgent need for the Government to progress constitutional discussions with Maori communities regarding constitutional change based on Maori law, the Treaty and indigenous rights. The issue was reflected in the

concluding observations of the Committee, in which it recommended that the Government issue, "without delay, a timetable for debating, in partnership with Māori, the recommendations of the Constitutional Advisory Panel regarding the role of the Treaty of Waitangi within its constitutional arrangements, along with the proposals of the report of Matike Mai Aotearoa and all stakeholders". The Iwi Chairs Forum, through its Independent Monitoring Mechanism for the United Nations Declaration on the Rights of Indigenous Peoples, continues to call for continued constitutional conversations, and has identified constitutional transformation as the key mechanism necessary for achieving greater realization of indigenous rights in New Zealand, which is known as Aoteraroa in the Maori language.

30. The Commission's work programme for 2017–2018 includes work to promote the human rights dimensions of the Treaty of Waitangi through online education modules as well as to promote and monitor the implementation of the United Nations Declaration on the Rights of Indigenous Peoples through research, engagement and reporting. The Commission also advocates for indigenous rights and for engagement with Maori communities during United Nations human rights reporting activities.

31. In 2017, the Commission on Human Rights of the Philippines launched the national inquiry into the human rights situation of indigenous peoples in the Philippines as part of its contribution to the celebration of twentieth anniversary of the passage into law of the Indigenous Peoples Rights Act of 1997 and the tenth anniversary of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples. The Commission is also active in carrying out liaison as part of the international treaty monitoring initiatives under the United Nations Declaration. In this regard, in 2016, the rights of indigenous peoples in the Philippines were reported to, and raised in the dialogue with, the Committee on Economic, Social and Cultural Rights, and recommendations about the promotion and protection of indigenous peoples' rights were subsequently included in the Committee's concluding observations. The Commission is following up on the recommendations and on their implementation by the Government through an economic, social and cultural rights advisory, which is to be released in the first quarter of 2018.

32. The Commission on Human Rights of the Philippines submitted several contributions in response to call for contributions to reports of the Human Rights Council and the special rapporteurs of the Council in 2017. The inputs of the Commission to the reports provide updated information to the Council on the situation of rights promotion and protection of indigenous peoples and minority populations in the country. The Commission has developed its own tools to monitor the rights to housing, health, education, food and water of indigenous peoples, consistent with the Indigenous Navigator monitoring tools. The Commission has also used certain indicators and questions from the Indigenous Navigator during the public hearings during the national inquiry. In 2018, the Commission will conduct community immersion activities in selected ancestral domains as part of a preliminary study to elaborate on the normative contents of cultural rights, pursuant to the United Nations Declaration on the Rights of Indigenous Peoples, within the context of the Philippines.

33. In October 2017, the Commission participated in the conceptualization process of the National Commission on Indigenous Peoples flagship programme to address the following 14 thematic concerns of indigenous peoples in the Philippines:

1. Formal recognition of ancestral domains.
2. Control and management of ancestral domains.
3. Capacity of the National Commission on Indigenous Peoples to deliver on its mandate.
4. Destruction of the ecosystems within the ancestral domains.
5. Non-compliance and violation of free, prior and informed consent.
6. Erosion of the culture of the indigenous peoples.
7. Weak indigenous peoples' governance system.
8. Lack of impact of government services.
9. Overlapping claims over ancestral domains.
10. Non-recognition of agencies of elders and leaders of indigenous peoples' communities.
11. Displacement of indigenous peoples from their ancestral domains.
12. Insufficient knowledge of the rights of indigenous peoples.
13. Discrimination against indigenous peoples.
14. Peace and security.

D. Follow-up to the World Conference on Indigenous Peoples

34. In September 2014, at the first World Conference on Indigenous Peoples, organized by the United Nations, Member States made several commitments relevant to human rights institutions. Two main areas of relevance are considered in this section: (a) national action plans, strategies or other measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions; and (b) the prevention and elimination of all forms of violence and discrimination against indigenous peoples.

1. National action plans, strategies or other measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples in cooperation with indigenous peoples, through their own representative institutions

35. In the context of its cooperation with local partners, the Danish Institute of Human Rights delivers statements and counselling on draft legislation relevant to the protection of human rights, including reporting on the situation of human rights in Greenland to international bodies, for example the United Nations treaty bodies and the Council of Europe. Additionally, the Institute maintains ongoing cooperation with the Human Rights Council of Greenland to promote and protect human rights in Greenland. The Council shares knowledge of the conditions in Greenland with the Danish Institute, and the Institute assists the Council through the provision of information and training on various human rights issues. One of the central initiatives in the collaboration between the Institute and the Council is the issuance of a biennial report on the situation of human rights in Greenland. The report focuses on topics such as: the implementation of human rights (generally); children and youth; disability; equal treatment; natural resources; fair trial and deprivation of liberty; rule

of law in the self-rule administration and municipalities; dissemination of human rights; and education.

36. Finland does not have a specific national strategy or action plan on the Sami peoples, although it has a National Action Plan on Fundamental and Human Rights 2017–2019, which includes plans to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.

37. The Human Rights Commission of Malaysia has been advocating for the development of a national human rights action plan since 2002. In 2010, the Government of Malaysia decided to develop the country's first action plan and appointed the Legal Affairs Division of the Prime Minister's Department as the focal agency for its formulation. In 2013, the Human Rights Commission was invited to be a member of the steering committee for the action plan. Between January and March 2017, the Legal Affairs Division organized consultations with relevant government agencies and civil society organizations to obtain their views on the draft action plan. The Commission submitted its feedback on the final draft to the Legal Affairs Division in September 2017. According to the draft, the Government will focus on indigenous peoples' rights, including their rights to self-determination, access to health services and access to education, as well as on poverty eradication programmes and issues related to land administration.

38. In 2015, the New Zealand Human Rights Commission developed a National Plan of Action[5] based on actions identified by the Government in response to the recommendations contained in the report of the Working Group on the Universal Periodic Review (A/HRC/26/3). The plan of action includes actions relating to Maori and indigenous rights. Research and consultation will be undertaken in 2018 to identify key indigenous rights issues to inform the plan and the Commission's ongoing work, including their engagement with United Nations treaty bodies, the Permanent Forum and the Expert Mechanism on the Rights of Indigenous Peoples.

39. While the Philippines does not have a national action plan to implement the United Nations Declaration on the Rights of Indigenous Peoples, all Government agencies, other than the National Commission on Indigenous Peoples, are able to provide programmes, activities and projects to specifically address the needs and concerns of indigenous peoples. The Philippine Development Plan 2017–2022[6] addresses issues related to indigenous peoples in a number of chapters, including: a plan to intensify efforts to raise cultural awareness; consideration of indigenous peoples' claims on ancestral domains; and their concerns over on the management of natural resources and land administration. The State has also proposed the development of a national human rights action plan and a national action plan on business and human rights, which are expected to include programmes and policies that respond to the rights of indigenous peoples.

2. Prevention and elimination of all forms of violence and discrimination against indigenous peoples

40. In cooperation with Greenland's national advocacy group for children, the Danish Institute of Human Rights has compiled a manual addressing children's rights aimed at primary school teachers, who are responsible for the youngest children. The Institute has also participated in the training of student teachers and their lecturers at Greenland's teacher training institution, a department of the University of Greenland,

[5] See http://npa.hrc.co.nz/#/.

[6] See http://pdp.neda.gov.ph/.

to promote improved knowledge about children's rights. In addition, two films about children's rights developed by the Institute directly target children, youth and child professionals in Greenland. The Institute has recommended a reform and upgrade of municipal competences and accountability to the Greenlandic Government, including the introduction of constructive measures, inter alia, to promote the protection of the child against violence and to assist families affected by substance abuse and addiction in rehabilitation efforts.

41. The Finnish Human Rights Centre has not yet specifically addressed violence-related issues in its work. In 2018, greater focus will be given to domestic violence in general and violence against women in particular in light of reporting obligations on national implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) as well as the Convention on the Elimination of All Forms of Discrimination against Women. The monitoring of the Convention on the Rights of Persons with Disabilities will begin in 2018 when the Government reports to the Committee on the Rights of Persons with Disabilities for the first time. With regard discrimination, the Centre strongly advocates the rights of the Sami in all its work, through which it aims to remove stereotypes and improve knowledge about the Sami peoples and specific issues related to the implementation of their rights. There is good cooperation between the Centre and the Sami Parliament, and, in 2017, a special focus was placed on issues related to the Sami during the reporting process to the Committee on the Elimination of Racial Discrimination, resulting in several recommendations by the Committee on the rights of indigenous peoples. The third round of the universal periodic review process also resulted in several recommendations addressing issues pertaining to the Sami, partly due to the lobbying work carried out by the Centre itself.

42. The Human Rights Commission of Malaysia has implemented a number of programmes aimed at preventing violence and discrimination between individuals, including a human rights-related best practices in school pilot project, launched in 2009, with 222 schools, 36 of them indigenous schools, participating as of March 2017. The Commission also launched an anti-bullying campaign in 2016 to increase students' awareness of the issue.

43. The Ombudsman of Namibia investigates individual complaints regarding violence and discrimination against indigenous peoples. Individuals are assisted in the filing of criminal charges against offenders with the police. The Ombudsman closely monitors the implementation of the recommendations outlined in the 2017 report stemming from the national inquiry into racism, racial discrimination, discrimination in general and tribalism.

44. A key focus of the New Zealand Human Rights Commission's work in this area has been its campaign, "Never Again/*E Kore Anō*",[7] which calls for an independent inquiry into the historic abuse of children in State care. The Commission will continue to work with the Government, survivors and other stakeholders to advocate for a robust inquiry, and to support the efforts of survivors to tell their stories. The Commission is also working with other parties to ensure that the impact on Maori children is addressed, and that Maori voices and needs are reflected in the inquiry.

45. The Commission on Human Rights of the Philippines provides protection, promotion and policy advocacy services for indigenous peoples who are victims of violence and discrimination through its protection services. Once reports of alleged

[7] See http://www.neveragain.co.nz/.

human rights violations are lodged, the Commission's investigators in regional offices conduct site visits, when possible, or inquire with relevant Government agencies regarding available documentation in order to investigate and resolve such cases. National inquiries carried out by the Commission are also crucial in gathering information about violations of indigenous rights. The documentation of cases, regional situation reports and reports from civil society and indigenous peoples' organizations serve as primary and secondary sources for the development of advisories, alerts and recommendations by the Commission for relevant Government institutions.